



## IN THE 2ND JUDICIAL CIRCUIT COURT, ADAIR COUNTY, MISSOURI

Judge or Division: RUSSELL ELLIS STEELE	Case Number: 14AR-CV00628
Plaintiff/Petitioner: LYREVA CLARK	Plaintiff's/Petitioner's Attorney/Address RYAN GLENN TERRIL 5600 N ANTIOCH ROAD KANSAS CITY, MO 64119
Defendant/Respondent: KIRKSVILLE MISSOURI HOSPITAL COMPANY, LLC d/b/a NERMC	Court Address: 106 W WASHINGTON PO BOX 690 KIRKSVILLE, MO 63501
Nature of Suit: CC Pers Injury-Malpractice	(Date File Stamp)

## Summons in Civil Case ALIAS

The State of Missouri to: ANASTASIA SOLOVIEVA  
Alias:  
700 S.E. 5TH TERRACE  
SUITE 3  
CRYSTAL RIVER, FL 34429

**COURT SEAL OF**  
  
**ADAIR COUNTY**

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

12-4-14  
Date

Hinda Decker  
Clerk

Further Information:

**Sheriff's or Server's Return**

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.

☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with a person of the Defendant's/Respondent's family over the age of 15 years.

☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).

☐ other \_\_\_\_\_ (address)

Served at \_\_\_\_\_ (address)  
in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server \_\_\_\_\_ Signature of Sheriff or Server \_\_\_\_\_

**Must be sworn before a notary public if not served by an authorized officer:**

(Seal) Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_ Date \_\_\_\_\_ Notary Public \_\_\_\_\_

**Sheriff's Fees**

Summons	\$ _____
Non Est	\$ _____
Sheriff's Deputy Salary	\$ _____
Supplemental Surcharge	\$ 10.00
Mileage	\$ _____ ( _____ miles @ \$ _____ per mile)
Total	\$ _____

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



## IN THE 2ND JUDICIAL CIRCUIT COURT, ADAIR COUNTY, MISSOURI

Judge or Division: RUSSELL ELLIS STEELE	Case Number: 14AR-CV00628
Plaintiff/Petitioner: LYREVA CLARK	Plaintiff's/Petitioner's Attorney/Address RYAN GLENN TERRIL 5600 N ANTIOCH ROAD KANSAS CITY, MO 64119
Defendant/Respondent: KIRKSVILLE MISSOURI HOSPITAL COMPANY, LLC d/b/a NERMC	Court Address: 106 W WASHINGTON PO BOX 690 KIRKSVILLE, MO 63501
Nature of Suit: CC Pers Injury-Malpractice	(Date File Stamp)

## Summons in Civil Case ALIAS

The State of Missouri to: ANASTASIA SOLOVIEVA  
Alias:  
700 S.E. 5TH TERRACE  
SUITE 3  
CRYSTAL RIVER, FL 34429

**COURT SEAL OF**  
  
ADAIR COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

12-4-14  
Date

Kinda Decker  
Clerk

Further Information:

**Sheriff's or Server's Return**

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.

☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with a person of the Defendant's/Respondent's family over the age of 15 years.

☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).

☐ other \_\_\_\_\_ (address)

Served at \_\_\_\_\_ (address)  
in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server \_\_\_\_\_ Signature of Sheriff or Server \_\_\_\_\_

Must be sworn before a notary public if not served by an authorized officer:  
Subscribed and sworn to before me on \_\_\_\_\_ (date).  
My commission expires: \_\_\_\_\_ Date \_\_\_\_\_ Notary Public \_\_\_\_\_

**Sheriff's Fees**

Summons	\$ _____
Non Est	\$ _____
Sheriff's Deputy Salary	\$ _____
Supplemental Surcharge	\$ 10.00
Mileage	\$ _____ ( _____ miles @ \$ _____ per mile)
<b>Total</b>	\$ _____

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

IN THE CIRCUIT COURT OF ADAIR COUNTY, MISSOURI

LYREVA CLARK  
104 Hummingbird Lane  
Hannibal, Missouri 63401

Plaintiff,

v.

Case No. 14AR-CV00628

KIRKSVILLE MISSOURI HOSPITAL  
COMPANY, LLC d/b/a  
NORTHEAST REGIONAL  
MEDICAL CENTER  
315 S. Osteopathy  
Kirksville, MO 63501

Serve Registered Agent:  
CSC – Lawyers Incorporating Service Co.)  
221 Bolivar  
Jefferson City, MO 65101

And

ANASTASIA SOLOVIEVA, M.D.,  
700 S. E. 5<sup>th</sup> Terrace, Suite 3  
Crystal River, FL 34429


Defendants.

**FILED**  
DEC 03 2014  
LINDA DECKER  
CIRCUIT CLERK  
ADAIR COUNTY

**REQUEST FOR ALIAS SUMMONS**

I hereby request that an alias summons be issued by the Circuit Clerk in this case for Defendant Anastasia Solovieva, MD, to be served by counsel for Plaintiff pursuant to Rule 54.01 (B) (2) because the first Summons was not served on this Defendant.

TERRIL LAW FIRM, LLC



---

RYAN G. TERRIL MO # 42054  
AUSTIN T. ROMSTAD MO # 65146  
5600 N. Antioch Road  
Kansas City, Missouri 64119  
T: 816.455.7600  
F: 816.452.2079  
rtteril@terrillaw.com  
aromstad@terrillaw.com  
ATTORNEYS FOR PLAINTIFF

**Notice and Acknowledgment for Service by Mail  
Circuit Court for Adair County**

**LYREVA CLARK**  
104 Hummingbird Lane  
Hannibal, Missouri 63401

**Plaintiff,**

**v.**

**Case No. 14AR-CV00628**

**KIRKSVILLE MISSOURI HOSPITAL**  
**COMPANY, LLC d/b/a**  
**NORTHEAST REGIONAL**  
**MEDICAL CENTER**  
315 S. Osteopathy  
Kirksville, MO 63501

**Serve Registered Agent:**  
**CSC – Lawyers Incorporating Service Co.**  
221 Bolivar  
Jefferson City, MO 65101

**And**

**ANASTASIA SOLOVIEVA, M.D.,**  
700 S. E. 5<sup>th</sup> Terrace, Suite 3  
Crystal River, FL 34429

**Defendants.**

**NOTICE**

TO: Anastasia Solovieva, 700 S.E. 5<sup>th</sup> Terrace, Ste. 3, Crystal River, FL 34429.

The enclosed summons and petition are served pursuant to Missouri Supreme Court Rule 54.16.

You may sign and date the acknowledgment part of this form and return one copy of the completed form to the sender within thirty days of December 8, 2014.

If you are served on behalf of a corporation, unincorporated association, including a partnership, or other entity, you must indicate under your signature your relationship to

that entity. If you are served on behalf of another person and you are authorized to receive process, you must indicate under your signature your authority.

If you do not complete and return the form to the sender within thirty days, you or the party on whose behalf you are being served may be required to pay any expenses incurred in serving a summons and petition in any other manner permitted by law.

If you do complete and return this form, you or the party on whose behalf you are being served must answer the petition within thirty days of the date you sign the acknowledgment below. If you fail to do so, judgment by default may be taken against you for the relief demanded in the petition.

I DECLARE, UNDER PENALTY OF PERJURY THAT THIS NOTICE WAS MAILED ON  
December 8, 2014.

  
\_\_\_\_\_  
Ryan G. Terril  
Attorney for Plaintiff

#### **ACKNOWLEDGMENT OF RECEIPT OF SUMMONS AND PETITION**

I declare, under penalty of filing a false affidavit, that I received a copy of the Summons and the Petition in the above captioned matter.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Relationship to Entity/Authority  
Receive Service of Process

\_\_\_\_\_  
Date Signed

**Notice and Acknowledgment for Service by Mail  
Circuit Court for Adair County**

**LYREVA CLARK**  
**104 Hummingbird Lane**  
**Hannibal, Missouri 63401**

**Plaintiff,**

**v.**

**Case No. 14AR-CV00628**

**KIRKSVILLE MISSOURI HOSPITAL**  
**COMPANY, LLC d/b/a**  
**NORTHEAST REGIONAL**  
**MEDICAL CENTER**  
**315 S. Osteopathy**  
**Kirksville, MO 63501**

**Serve Registered Agent:**  
**CSC – Lawyers Incorporating Service Co.)**  
**221 Bolivar**  
**Jefferson City, MO 65101**

**And**

**ANASTASIA SOLOVIEVA, M.D.,**  
**700 S. E. 5<sup>th</sup> Terrace, Suite 3**  
**Crystal River, FL 34429**

**Defendants.**

**NOTICE**

TO: Anastasia Solovieva, 700 S.E. 5<sup>th</sup> Terrace, Ste. 3, Crystal River, FL 34429.

The enclosed summons and petition are served pursuant to Missouri Supreme Court Rule 54.16.

You may sign and date the acknowledgment part of this form and return one copy of the completed form to the sender within thirty days of December 8, 2014.

If you are served on behalf of a corporation, unincorporated association, including a partnership, or other entity, you must indicate under your signature your relationship to

that entity. If you are served on behalf of another person and you are authorized to receive process, you must indicate under your signature your authority.

If you do not complete and return the form to the sender within thirty days, you or the party on whose behalf you are being served may be required to pay any expenses incurred in serving a summons and petition in any other manner permitted by law.

If you do complete and return this form, you or the party on whose behalf you are being served must answer the petition within thirty days of the date you sign the acknowledgment below. If you fail to do so, judgment by default may be taken against you for the relief demanded in the petition.

I DECLARE, UNDER PENALTY OF PERJURY THAT THIS NOTICE WAS MAILED ON  
December 8, 2014.

  
\_\_\_\_\_  
Ryan G. Terril  
Attorney for Plaintiff

#### **ACKNOWLEDGMENT OF RECEIPT OF SUMMONS AND PETITION**

I declare, under penalty of filing a false affidavit, that I received a copy of the Summons and the Petition in the above captioned matter.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Relationship to Entity/Authority  
Receive Service of Process

\_\_\_\_\_  
Date Signed



IN THE CIRCUIT COURT OF ADAIR COUNTY, MISSOURI

**FILED**

SEP 30 2014

LINDA DECKER  
CIRCUIT CLERK  
ADAIR COUNTY

LYREVA CLARK  
104 Hummingbird Lane  
Hannibal, Missouri 63401

Plaintiff,

v.

Case No.

14AR CV00628

KIRKSVILLE MISSOURI HOSPITAL  
COMPANY, LLC d/b/a  
NORTHEAST REGIONAL  
MEDICAL CENTER  
315 S. Osteopathy  
Kirksville, MO 63501

Serve Registered Agent:  
CSC – Lawyers Incorporating Service Co.)  
221 Bolivar  
Jefferson City, MO 65101

And

ANASTASIA SOLOVIEVA, M.D.,  
700 S. E. 5<sup>th</sup> Terrace, Suite 3  
Crystal River, FL 34429

Defendants.

PETITION

Plaintiff, for her cause of action against Defendants, alleges as follows:

1. Plaintiff Lyreva Clark is a resident and citizen of the state of Missouri, currently residing at the above-referenced address.
2. Defendant Kirksville Missouri Hospital Company, LLC, d/b/a Northeast Regional Medical Center (“Defendant KMHC”), is a Missouri limited liability corporation, registered and authorized to do business in the State of Missouri, and as such, operates medical facilities

throughout the State of Missouri, including a facility located at 315 S. Osteopathy, Kirksville, Adair county, Missouri, known as Northeast Regional Medical Center.

3. As Defendant KMHC is a Missouri corporation conducting systematic and continuous business in the state of Missouri, and as all actions mentioned in this Petition occurred in Adair County, Missouri, jurisdiction and venue in this Court are appropriate.

4. Anastasia Solovieva, M.D., is a physician specializing in obstetrics. At all times relevant to the event described in this Petition, Defendant Solovieva was practicing in Kirksville, Missouri, at Northeast Regional Medical Center. Defendant currently practices medicine in the state of Florida at the above-referenced address.

5. At all times material to this Petition, Defendant Solovieva was an agent, employee, or apparent agent of Defendant KMHC. At all such times, Defendant Solovieva was acting in the course and scope of her employment, agency, and/or apparent agency with Defendant KMHC. As such, Defendant KMHC is vicariously responsible for the negligent conduct of their employee, agent, and/or apparent agent Solovieva.

6. At the time of the administration of the health care described in this Petition, Defendant KMHC employed various nurses involved in the plaintiff's care. Specifically, Nurse Stuart and Nurse Closen, among others, provided nursing care to the plaintiff during the hospitalization hereinafter described.

7. At all times material to this Petition, nurses Stuart and Closen, as well as other health care providers involved in the plaintiff's care, were acting as agents, employees, or apparent agents of Defendant KMHC. As such, Defendant KMHC is vicariously responsible for the negligent conduct of their employees, agents, and/or apparent agents.

8. At all times material to this Petition the health care provided by defendants and their agents, employees, and/or apparent agents, was provided in Adair County, Missouri. As such, jurisdiction and venue in the Court is appropriate.

9. On July 8, 2006, Plaintiff Lyreva Clark underwent a cesarean section procedure performed by Defendant Solovieva.

10. The cesarean procedure required the use of temporary sponges which were placed in the plaintiff's body during the procedure.

11. Defendant Solovieva was the physician responsible for the cesarean section procedure.

12. During this procedure, a surgical sponge was placed in plaintiff's body. One surgical sponge remained in plaintiff's body after the procedure.

13. In November of 2012, plaintiff was informed by a radiologist who had taken an x-ray of her that a foreign body was potentially located in her abdominal area. In the summer of 2014, plaintiff was told that this object would have to be removed prior to having a back surgery completed.

14. This procedure to remove the foreign body was completed in the summer of 2014 at Hannibal Regional Medical Center where it was discovered that an abscess had developed around the retained surgical sponge.

15. Since the time of the removal of the sponge, the plaintiff has continued to suffer from problems associated with the foreign body.

**COUNT I NEGLIGENCE OF DEFENDANT KMHC**

Plaintiff hereby incorporates Paragraphs 1 through 15 into this Count I of her Petition. Plaintiff further alleges and states as follows:

16. Defendant KMHC, through its agents, servants, employees, and/or apparent agents, servants, and/or employees was negligent in the following particulars:

- a. In allowing a surgical sponge to be left in plaintiff following the cesarean section procedure;
- b. in failing to conduct an accurate sponge count during the cesarean section procedure;
- c. in failing to inform the treating physician that a sponge was missing during, or subsequent to, the cesarean section procedure;
- d. in failing to conduct an appropriate inspection to identify any surgical sponges left inside of plaintiff.

17. As a direct and proximate result of the aforesaid negligence of this defendant, plaintiff sustained significant and permanent injury, disfigurement and impairment. Plaintiff has incurred medical, hospital, therapy, surgical and other expenses and will be required to incur such expenses in the future. Plaintiff has, and will, suffer pain and loss of enjoyment of life resulting from the impairment and suffer loss of the ability to perform household services in the past and in the future. Plaintiff has sustained lost wages and will sustain additional loss of earnings in the future.

WHEREFORE, plaintiff prays for compensatory damages in this matter, the cost of this action, and any and other relief the Court deems just and appropriate under the circumstances adduced at trial.

**COUNT II NEGLIGENCE OF DEFENDANT SOLOVIEVA**

Plaintiff hereby incorporates Paragraph 1 through 16 into this Count II of her Petition. Plaintiff further alleges and states as follows:


18. Defendant Solovieva was negligent in the following particulars:

- a. In leaving a sponge in plaintiff after the procedure;
- b. in failing to conduct an appropriate inspection to identify any foreign bodies left in the plaintiff after the procedure.

19. As a direct and proximate result of the aforesaid negligence of this defendant, plaintiff sustained significant and permanent injury, disfigurement and impairment. Plaintiff has incurred medical, hospital, therapy, surgical and other expenses and will be required to incur such expenses in the future. Plaintiff has, and will, suffer pain and loss of enjoyment of life resulting from the impairment and suffer loss of the ability to perform household services in the past and in the future. Plaintiff has sustained lost wages and will sustain additional loss of earnings in the future.

WHEREFORE, plaintiff prays for compensatory damages in this matter, the cost of this action, and any and other relief the Court deems just and appropriate under the circumstances adduced at trial.

TERRIL LAW FIRM, LLC

  
\_\_\_\_\_  
RYAN C. TERRIL MO # 42054  
AUSTIN T. ROMSTAD MO # 65146  
5600 N. Antioch Road  
Kansas City, Missouri 64119  
T: 816.452.7600  
F: 816.452.2079  
rterril@terrillaw.com  
aromstad@terrillaw.com  
ATTORNEYS FOR PLAINTIFF